REMARKS

Claims 1-34 are pending in the present Application. Of these, Claims 9, 11, 21, 23, and 27 have been withdrawn. Claims 1, 28, and 32, have been amended by this Amendment, leaving Claims 1-34 for consideration upon entry of the present Amendment.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Amendments

Claims 1, 28 and 32 have been amended to specify that the method produces an article having a compressive strength greater than or equal to 25 kilograms. Support for this amendment can be found in paragraph [0030] of the specification as originally filed.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-8, 19, 12-20, 22, 24-26 and 32-34 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has objected to the recitation of units of pressure. Applicants have corrected the error by amendment and believe that the rejection is fully addressed.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, 4, 15, 22, 24, 26 and 33 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by JP 2000-167827 to Yamamoto, et al (Yamamoto '827). The claims have been amended to specify that the compressive strength of the article is greater than or equal to 25 kilograms. Yamamoto '827 teaches, at best, making an article having a compressive strength of 8.65 kilograms when using a mold and poly(phenylene ether) powder at room temperature. Yamamoto does not teach all the elements of the amended claims and does not anticipate the amended claims.

Claim Rejections Under 35 U.S.C. § 103(a)

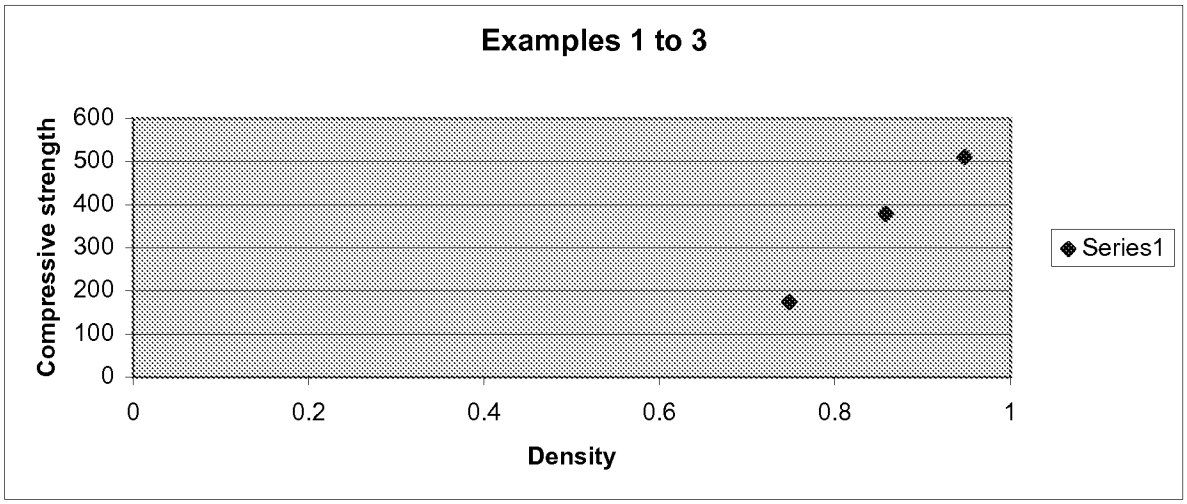
Claims 1-4, 15-20, 22, 24-26, 33 and 34 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over JP 2000-302877 to Yamamoto, et al. (Yamamoto '877) in view of JP 2000-167827 to Yamamoto, et al. (Yamamoto '827). Applicants respectfully traverse this rejection.

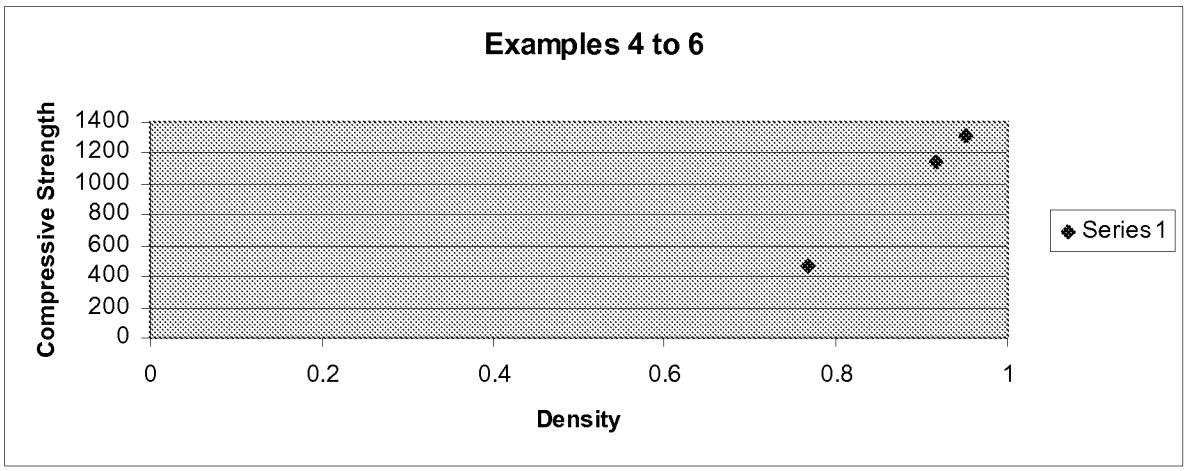
Given the similarity of the amended claims and rejected Claim 3 Applicants will specifically focus on the rejection of Claim 3 as it is the most relevant set of arguments against the amended claims. In rejecting claim 3 the Examiner asserts that because Yamamoto '877 teaches employing temperatures within the claimed range and suggests utilizing pressure as a result effective variable to achieve a density within a specific range, the products of Yamamoto would implicitly have a compressive strength as claimed (page 6 of the office action states "physical properties would implicitly be achieved by the practice of the method"). Applicants respectfully disagree.

The Comparative Examples of Yamamoto '827 were produced at a temperature within the claimed range (of the pending claims and of Yamamoto '877) and also have a density within the range disclosed by Yamamoto '877 (and the range of Claim 4) but the Comparative Examples of Yamamoto '877 fail to have a compressive strength greater than or equal to 25 kilograms. There is no way to predict or to expect success, based on the information of Yamamoto '877 and Yamamoto '827, that an article having a compressive strength greater than 25 kilograms could be made when the pressure is applied at a temperature of 0 to 65°C. The requirement for a determination of obviousness is that "both the suggestion and the expectation of success must be founded in the prior art, not in applicant's disclosure" (emphasis added). *In re Dow Chem.*, 837 F.2d 469, 473, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988).

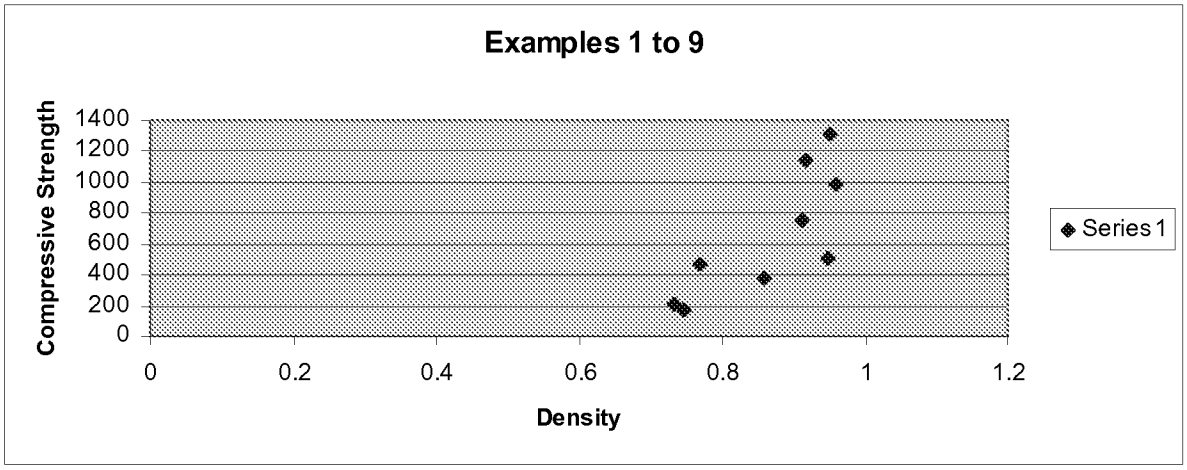
Further, Yamamoto '877 implies a relationship between the pressure applied to make the article and the density of the article produced by the method. The Examiner's logic seems to indicate that since Yamamoto teaches that pressure and density are related then density and compressive strength are similarly related and thus increasing density would correlate to increasing compressive strength.

The Examples of the pending application show that within a set of examples, e.g., Examples 1-3 or Examples 4-6, that there is a relationship between density and compressive strength. The relationship for Examples 1-3 and Examples 4-6 are shown in the graphs below.





However, when all the Examples are compared there appears to be no consistent relationship between density and compressive strength. The data of all nine examples has been graphed and is shown below.



Accordingly, it would appear that the teachings of Yamamoto '827 and '877 cannot be directly applied to compressive strength. Again, Yamamoto '827 and '877 fail to provide an expectation of success in achieving a compressive strength greater than or equal to 25 kg.

Additionally, Applicants respectfully point out that Yamamoto '827 teaches away from the method of the pending claims by saying, in paragraph [0019], that "tablets of adequate strength will not be obtained below 70°C". It is difficult to see how the pending claims can be obvious when one of the key references being used directly teaches away from the pending claims.

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over JP 2000-302877 to Yamamoto, et al. in view of JP 2000-167827 to Yamamoto, et al. as applied to claims 1-4, 15-20, 22, 24-26, 33 and 34, and further in view of Modern Plastics Handbook, edited by Charles a. Harper, Knovel release date: November 20, 2002. Applicants respectfully traverse this rejection on the same grounds as described above with regard to the combination of the Yamamoto references. The Modern Plastics Handbook does not resolve the issues described above.

Claim 7 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over JP 2000-302877 to Yamamoto, et al. in view of JP 2000-167827 to Yamamoto, et al. and Modern Plastics Handbook, edited by Charles a. Harper, Knovel release date: November 20, 2002 as applied to claims 5 and 6, and further in view of United States Patent No. 5,294,667 to Weiss, et al. (Weiss). Applicants respectfully traverse this rejection on the same grounds as described above with regard to the combination of the Yamamoto references. The Modern

Plastics Handbook and Weiss do not resolve the issues described above.

Claims 8, 10 and 12-14 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over JP 2000-302877 to Yamamoto, et al. in view of JP 2000-167827 to Yamamoto, et al. as applied to claims 1-2, 15-20, 22, 24-26, 33 and 34 and further in view of United States Patent No. 6,359,043 to Gijzen. Applicants respectfully traverse this rejection on the same grounds as described above with regard to the combination of the Yamamoto references. Gijzen does not resolve the issues described above.

Claims 28, 29, and 31 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over JP 2000-302877 to Yamamoto, et al. in view of JP 2000-167827 to Yamamoto, et al. and Gijzen. Applicants respectfully traverse this rejection on the same grounds as described above with regard to the combination of the Yamamoto references. Gijzen does not resolve the issues described above.

Claim 32 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over JP 2000-302877 to Yamamoto, et al. in view of JP 2000-167827 to Yamamoto, et al. and Gijzen. Applicants respectfully traverse this rejection. Applicants respectfully traverse this rejection on the same grounds as described above with regard to the combination of the Yamamoto references. Gijzen does not resolve the issues described above.

Claims 28 and 30 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over United States Patent No. 3,356,761 to Fox. Applicants respectfully disagree with the Examiner's characterization of the teachings of Fox. The Examiner asserts that since Fox teaches modulus and tensile strength of film and fiber produced by "the method" (see page 13 of the office action) these values suggest strength properties substantially above the recited value of 5 kilograms. Fox only provides tensile and modulus data for examples made using a temperature markedly higher than that allowed by the pending claims. The only example of Fox which employs anything like cold compaction is Example 4 but the only data presented in Example 4 discusses the relative solubility in chloroform. Example 4 does not provide any information about compressive strength, tensile strength or modulus. Accordingly, there is too little information provided by Fox to assert that Fox renders the pending claims obvious.

Claim 29 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over

United States Patent No. 3,356,761 to Fox as applied to claim 28 and further in view of United States Publication No. 2002/0198123 to Nitzsche, et al. (Nitzsche). Nitzsche has been cited for teaching a particular sequence of method steps. Nitzsche does not rectify the deficiencies of Fox as described above with regard to Claim 28.

Claim 31 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over United States Patent No. 3,356,761 to Fox as applied to claim 28 and 30 and further in view of JP 2000-167827 to Yamamoto, et al. Applicants respectfully traverse this rejection. Neither Fox nor Yamamoto '827 describe an article having a compressive strength of greater than or equal to 25 kilograms. The combination of Fox and Yamamoto does not obviate the pending claims.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 50-1131.

Respectfully submitted,

CANTOR COLBURN LLP

By: /Patricia S. DeSimone/
Patricia S. DeSimone
Registration No. 48,137

Date: August 31, 2009
CANTOR COLBURN LLP
Telephone: (860) 286-2929
Facsimile: (860) 286-0115
Customer No.: 43249